



**Aluochier v Independent Electoral And Boundaries Commission (Iebc) And 19 Others (Petition 2 of 2013) [2013] KESC 18 (KLR) (Civ) (27 February 2013) (Ruling)**

*ISAAC ALUOCH POLO ALUOCHIER v INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) & 19 others [2013] eKLR*

Neutral citation: [2013] KESC 18 (KLR)

**REPUBLIC OF KENYA  
IN THE SUPREME COURT OF KENYA  
CIVIL  
PETITION 2 OF 2013  
MK IBRAHIM & JB OJWANG, SCJJ  
FEBRUARY 27, 2013**

**BETWEEN**

**ISAAC ALUOCH POLO ALUOCHIER ..... PETITIONER**

**AND**

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)  
AND 19 OTHERS ..... RESPONDENT**

**RULING**

1. The petitioner's very detailed petition is the subject of the preliminary objections which have been made by some of the respondents. The objection, on a question of jurisdiction, has been canvassed before the Court, and we have paid careful attention to the submissions made. Counsel have addressed us on the scope of the Supreme Court's jurisdiction, and on the governing rules relating to Presidential elections. Counsel have also drawn our attention to an Advisory Opinion rendered in 2012, regarding jurisdiction in respect of Presidential elections. The parties have made submissions on the powers of the Independent Electoral and Boundaries Commission in the conduct of elections, and especially with regard to Presidential elections – and especially the relevance of such powers to the Supreme Court's jurisdiction.
2. Taking all the submissions into account, it has become quite clear to us that the Supreme Court, at this stage, lacks jurisdiction to entertain the petition, which we hereby decline to hear. Under Rule 20(2) of the *Supreme Court Rules, 2012* we hereby reserve our reasons for the decision. We will deliver our reasoned Ruling on 27th March, 2013.

We make no order as to costs.



Orders accordingly.

**DATED AND DELIVERED AT NAIROBI THIS 27TH DAY OF FEBRUARY, 2013.**

**M.K. IBRAHIM J.B. OJWANG**

**JUDGE OF THE SUPREME COURT JUDGE OF THE SUPREME COURT**

**Certified as a true copy of the original.**

**REGISTRAR**

**SUPREME COURT OF KENYA**

